



STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

LICENSE No. 845

PERMIT No. 1911

APPLICATION No. 1789

**This is to Certify, That Table Mountain and Thermalito Irrigation Districts of Oroville, California,**

**have made proof to the satisfaction of the Division of Water Rights of California of a right to the use of the waters of Coneow Creek or East Branch in Butte County**

**tributary of West Branch of Feather River**

**for the purpose of agricultural and domestic use under Permit No. 1911 of the Division of Water Rights and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Rights and the terms of the said permit; that the priority of the right herein confirmed dates from March 25, 1920;**

**that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to the amount actually beneficially used for said purposes and shall not exceed eight thousand two hundred (8,200) acre feet per annum for storage to be collected from about December 1st to about April 1st of each season.**

### to storage

**The point of diversion of such water is located South thirty-three degrees fifteen minutes West (S. 33° 15' W.) nineteen hundred twenty (1920) feet from the Northeast corner of Section 16, T 22 N, R 4 E, M.D.B. & M. being within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 16.**

**The point of redirection of stored waters is located South thirty-four degrees West (S. 34° 00' W.) twenty-four hundred (2400) feet from the Northeast corner of Section 16, T 22 N, R 4 E, M.D.B. & M. being within the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 16.**

*A description of the lands or the place where such water is put to beneficial use is as follows:*

**2,036 acres within the boundaries of Table Mountain Irrigation District, and 3,100 acres within the boundaries of Thermalito Irrigation District, or a total of 5,136 acres as shown on maps filed with the Division of Water Rights, December 5, 1924, and entitled "Table Mountain and Thermalito Irrigation Districts."**

1

*The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes 1913, which is as follows:*

Sec. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as therein expressed; *provided*, that if, at any time after the expiration of twenty years after the granting of a license, the state, or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, city and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desiring to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee, has ceased to put said water to such useful or beneficial purpose, or that the permittee or licensee, or the heirs, successors or assigns of said permittee or licensee has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license, and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. And the findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought so to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulations by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, city and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *providing, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *providing, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal uses of the entire appropriation permitted; and *providing, further*, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.

Witness the signature of the Chief of the Division of  
WATER RIGHTS, Department of Public Works of the  
State of California, and the seal of said department  
this 25th day of April, 1929.

*Harold Conkling*  
Chief of Division of Water Rights, Department  
of Public Works of the State of California



LICENSE NO. 845

STATE OF CALIFORNIA  
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RIGHTS

LICENSE  
TO APPROPRIATE WATER

Table Mountain and Thermalito  
ISSUED TO Irrigation Districts

DATED April 25, 1929

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS  
DIVISION OF WATER RESOURCES  
STATE ENGINEER

ORDER

APPLICATION 1739

PERMIT 1911

LICENSE 845

ORDER ALLOWING ADDITION OF POINT OF REDIVERSION  
AND CHANGE IN PLACE OF USE

Licensees having established to the satisfaction of the State Engineer that the addition of point of rediversion and change in place of use under Application 1739, Permit 1911, License 845 for which petitions were submitted on June 23, 1947 will not operate to the injury of any other legal user of water, The State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to add Point of Rediversion No. 2 under said Application 1739, Permit 1911, License 845 and that the point of diversion and points of rediversion be described as follows, to wit:

Point of Diversion - south thirty-three degrees fifteen minutes west (S 33° 15' W) one thousand nine hundred twenty (1920) feet from NE corner of Section 16, T 22 N, R 4 E, MDB&M, being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 16.

Point of Rediversion No. 1 - south thirty-four degrees no minutes west (S 34° 00' W) two thousand four hundred (2400) feet from NE corner of Section 16, T 22 N, R 4 E, MDB&M, being within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 16.

Point of Rediversion No. 2 - north fifty-two degrees east (N 52° E) three thousand five hundred seventy-nine (3579) feet from SW corner of Section 18, T 20 N, R 3 E, MDB&M, being within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section 18, and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said Application 1739, Permit 1911, License 845 to a place of use described as follows, to wit:

3

STATE OF CALIFORNIA—RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

ORDER

APPLICATION 1739

PERMIT 1911

LICENSE 845

ORDER ALLOWING ADDITION OF POINT OF REDIVERSION  
AND CHANGE IN CHARACTER OF USE

WHEREAS License 845 was issued jointly to Table Mountain and Thermalito Irrigation Districts and was filed with the County Recorder of Butte County on May 13, 1929, and

WHEREAS License 845 allows the two Districts to store 8200 acre-feet per year in Concow Reservoir between November 1 and July 1, and to use said water for agricultural and domestic uses within the respective District boundaries, and

WHEREAS Thermalito Irrigation District has negotiated an agreement with the California Department of Water Resources, and

WHEREAS said agreement allows Thermalito Irrigation District to pass its share of said stored water through Lime Saddle Powerhouse and thence through the State's Oroville Power Plant and/or directly through the Concow Reservoir down Concow Creek thence through the State's Oroville Power Plant. The water is then to be rediverted from the Feather River at the State's Thermalito Diversion Dam into the Thermalito Power Canal for rediversion from said Canal into Thermalito Irrigation District's distribution system, and

WHEREAS the Table Mountain Irrigation District will continue to use its share of water under said License 845 in the manner as presently allowed by said license, and

WHEREAS the State Water Rights Board has found that the addition of a point of rediversion and change in character of use under said license for which petition was submitted on July 19, 1965, will not operate to the injury of any other legal user of water, and

5

STATE OF CALIFORNIA—RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

ORDER

APPLICATION 1739

PERMIT 1911

LICENSE 845

WHEREAS the Board has approved and allowed said changes and has directed that an order be issued to describe said point of redirection and character of use in accordance with said petition;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to change the points of redirection under said License 845 so that points of diversion and points of redirection are described as follows, to wit:

CONCOW DAM POINT OF DIVERSION TO STORAGE - SOUTH THIRTY-THREE DEGREES FIFTEEN MINUTES WEST ( $S33^{\circ}15'W$ ) ONE THOUSAND NINE HUNDRED TWENTY (1920) FEET FROM NE CORNER OF SECTION 16, T22N, R4E, MDB&M, BEING WITHIN  $SE\frac{1}{4}$  OF  $NE\frac{1}{4}$  OF SAID SECTION 16.

BELOW CONCOW DAM POINT OF DIVERSION NO. 1 (REDIVERSION OF STORED WATER FROM CONCOW CREEK TO SPRING VALLEY DITCH) - SOUTH THIRTY-FOUR DEGREES NO MINUTES WEST ( $S34^{\circ}00'W$ ) TWO THOUSAND FOUR HUNDRED (2400) FEET FROM NE CORNER OF SECTION 16, T22N, R4E, MDB&M, BEING WITHIN  $SE\frac{1}{4}$  OF  $NE\frac{1}{4}$  OF SAID SECTION 16.

OROVILLE DAM POINT OF REDIVERSION NO. 2 - NORTH SIX HUNDRED EIGHTY-ONE THOUSAND, FIVE HUNDRED EIGHTY-ONE (681,581) EAST TWO MILLION, ONE HUNDRED FORTY-FIVE THOUSAND, EIGHT HUNDRED THIRTY-TWO (2,145,832) ZONE TWO (2), CALIFORNIA COORDINATE SYSTEM, BEING WITHIN  $NW\frac{1}{4}$  OF  $NW\frac{1}{4}$ , SECTION 1, T19N, R4E, MDB&M, and

THERMALITO DIVERSION DAM, POINT OF REDIVERSION NO. 3 - FOR AGRICULTURAL, DOMESTIC AND MUNICIPAL USES WITHIN THERMALITO IRRIGATION DISTRICT LOCATED: NORTH 678,538, EAST 2,128,276, ZONE 2 - COORDINATE SYSTEM AND WITHIN  $SW\frac{1}{4}$  OF  $SE\frac{1}{4}$  OF SECTION 5, T19N, R4E, MDB&M.

POINT OF REDIVERSION NO. 4 - ON GOLD RUN CREEK - NORTH FIFTY-TWO DEGREES EAST ( $N52^{\circ}E$ ) THREE THOUSAND FIVE HUNDRED SEVENTY-NINE (3579) FEET FROM SW CORNER OF SECTION 18, T20N, R3E, MDB&M, BEING WITHIN  $NW\frac{1}{4}$  OF  $SE\frac{1}{4}$  OF SAID SECTION 18, and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the character of use under said License 845 to character of use as follows, to wit:

6

STATE OF CALIFORNIA—RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

ORDER

APPLICATION 1739

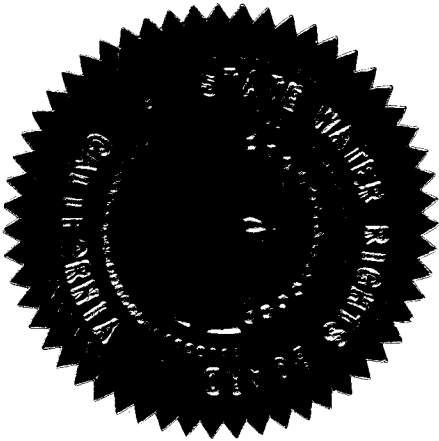
PERMIT 1911

LICENSE 845

AGRICULTURAL, DOMESTIC AND MUNICIPAL

WITNESS my hand and the seal of the State Water Rights Board of the  
State of California this 6 th day of June, 1966

*L. K. Hill*  
L. K. Hill  
Executive Officer



*License 845*

LICENSE 845

APPLICATION 1739

Also, see Order WR 85-6 - Order Deciding Not to Revoke Licenses to  
Appropriate Water, dated 8/7/85

ORDER WR 85-9 - ORDER DENYING PETITION FOR RECONSIDERATION OF ORDER 85-6 (10/17/85)  
DECISION 1615 ADDITIONAL TERMS (9/3/87)

2



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

## License for Diversion and Use of Water

Page 1 of 5

APPLICATION 1739

PERMIT 1911

AMENDED LICENSE 845

### THIS IS TO CERTIFY, That

Thermalito Irrigation District  
410 Grand Avenue  
Oroville, CA 95965

has made proof as of October 11, 1928 (the date of inspection) to the satisfaction of the State Water Resources Control Board (SWRCB) of a right to the use of the water of  
**Concow Creek in Butte County**

tributary to **West Branch of Feather River**

for the purpose of **Domestic, Agricultural, Municipal, and Recreation**

under Permit 1911 of the SWRCB and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the SWRCB and the permit terms; that the priority of this right dates from March 25, 1920 and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed 8,200 acre-feet per annum for storage to be collected from about December 1 to about April 1 of each season.

### THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

1. Concow Dam, South 33° 15' West, 1,920 feet from the NE corner of Section 16, T22N, R4E, MDB&M; being within the SE¼ of NE¼ of said Section. Also described as California Coordinate System, Zone 2, North 764,000 and East 2,133,000.
2. Oroville Dam, Point of Rediversion No. 2, within Section 1, T19N, R4E, MDB&M; being within the NW¼ of NW¼ of said Section. Also described as California Coordinate System, Zone 2, North 681,581 and East 2,145,832.



3. Thermalito Diversion Dam, Point of Rediversion No. 3, within Section 5, T19N, R4E, MDB&M; being within the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of said Section. Also described as California Coordinate System, Zone 2, North 678,538 and East 2,128,276.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE  
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

Recreation at Concow Reservoir, within portions of Sections 3, 9, 10, 15 and 16, T22N, R4E, MDB&M; and Domestic, Agricultural and Irrigation within Thermalito Irrigation District's service area of about 13,800 acres, T19-20N, R3-4E, MDB&M; as shown on maps on file with the SNRCB dated August 1985, and revised on July 6, 1994.

(0000004)

Licensee shall, for the maintenance of fish and aquatic resources in Concow Creek, maintain a minimum flow of 2.0 cubic feet per second in Concow Creek immediately below Concow Reservoir.

The water release structure shall be constructed so that the required streamflow is automatically and continually released. Licensee shall promptly notify the Division of Water Rights any time the flow in Concow Creek falls below the required amount. The notification shall specify the reason for the deficient flow, the duration of the deficient flow and the corrective action taken to restore flow in Concow Creek to the required minimum level. Maximum stream flow in Concow Creek shall not exceed the rate of 50 cubic feet per second.

(0150400)

(0550400)

Within 60 days from the date of this amended license, licensee shall prepare and submit to the Division of Water Rights a plan of compliance for maintaining the required minimum flows in Concow Creek below Concow Dam. The plan shall specify the point of measurement of the required minimum flows in Concow Creek and a contingency plan for maintaining or restoring required fishery flows in the event of blockage or malfunction in the release structure at Concow Dam. The plan will be reviewed by the Division of Water Rights. If the plan is determined to be inadequate, the Chief of Division of Water Rights shall request the licensee to modify the plan to correct the deficiencies. If the licensee does not correct the deficiencies and resubmit an adequate plan of compliance to the Division of Water Rights within 30 days, the Division of Water Rights may refer the matter for hearing and further action.

(0490700)

No water shall be diverted under this amended license until licensee has installed a device, in Concow Creek immediately below Concow Dam, satisfactory to the Chief of Division of Water Rights, which is capable of measuring and recording the flows required by the conditions of this license. Said measuring device shall be properly maintained.

(0060062)

Licensee shall install and maintain a precipitation gage at Concow Creek Reservoir. Records of annual precipitation shall be submitted to California Department of Fish and Game by September 1 of each year for the preceding July 1 through June 30 rainfall year.

(0110300)

Licensee shall install and maintain a reservoir staff gage in Concow Reservoir that is calibrated to the area capacity survey approved by the Chief of Division of Water Rights. Copies of reservoir storage records shall be submitted to the SNRCB at the request of the Chief of the Division of Water Rights. Licensee shall provide copies of the reservoir storage records to the California Department of Fish and Game annually by December 31 of each year for the preceding October 1 through September 30 water year.

Licensee shall allow a representative of the California Department of Fish and Game reasonable access to the reservoir for the purpose of verifying the gage reading and determining water levels in the reservoir.

(0070047)

In compliance with Fish and Game Code Section 5943, licensee shall accord to the public, for the purpose of fishing, reasonable access to the waters impounded by Concow Dam during the open season for the taking of fish, subject to the regulation of the Fish and Game Commission and subject to public health requirements of Section 7623 to 7630, Title 17, California Code of Regulations, for domestic water supply reservoirs.

(0030300)

Licensee shall maintain to the extent reasonable a long-term water exchange agreement, approved by the SWRCB, with the Department of Water Resources that allows licensee to divert water from Lake Oroville or any other facility operated by the Department of Water Resources for use within its service area under this amended license while licensee retains to the extent possible a full reservoir of water in Concow Reservoir until after September 1 of each year for release to Lake Oroville.

(0250300)

Except as necessary to meet the specified minimum flow requirements in Concow Creek, no stored water shall be released from Concow Reservoir for consumptive use under this license between June 1 and September 1 during any year that a water exchange contract is in effect with the Department of Water Resources allowing for release of stored water from Concow Reservoir after September 1.

(0230900)

(0250300)

Licensee shall at all times maintain a minimum pool in Concow Reservoir of not less than 1,000 acre-feet.

(0400500)

During the bass spawning and hatching season of each year, after the temperature of reservoir water reaches 60 degrees Fahrenheit or more, licensee shall not release, without the written consent of the Department of Fish and Game first had and obtained, waters from Concow Reservoir in such a manner so as to cause a fluctuation in the surface elevation of the reservoir of more than two feet during any three-week period. For purposes hereof, the temperature of reservoir waters shall be measured at a depth of not less than 12 inches at or near the middle of the dam wall at a distance of at least two feet therefrom. Notwithstanding the foregoing, licensee shall maintain minimum stream flows in Concow Creek as set forth above. Further notwithstanding the foregoing, the restrictions on surface level fluctuation set forth above may be modified if licensee demonstrates to the reasonable satisfaction of the Department of Fish and Game and the SWRCB the following: (i) licensee cannot obtain the necessary water resources under its water exchange agreement with the Department of Water Resources described above; (ii) water demand for municipal and domestic uses within the service area of licensee during the months of April and May preclude the licensee from adhering to such restrictions on fluctuation in surface levels; and (iii) there are insufficient other water sources reasonably available for such municipal and domestic uses within licensee's service area.

(0110500)

Licensee shall consult with the Division of Water Rights and, within one year from the date of this amended license, shall submit to the SWRCB its Urban Water Management Plan as prepared and adopted in conformance with Section 10610 et seq. of the California Water Code, supplemented by any additional information that may be required by the SWRCB. All cost-effective measures identified in the Urban Water Management Plan as supplemented, shall be implemented in accordance with the schedule for implementation found therein.

(000029A)

*Licensee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this license.*

*The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Sec. 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: January 4, 1996

STATE WATER RESOURCES CONTROL BOARD

*David R. Bevinger*  
for Chief, Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD

**DIVISION OF WATER RIGHTS**

**ORDER**

Application 1739 Permit 1911 License 845

**ORDER APPROVING CHANGE IN PLACE OF USE,  
AND AMENDING THE LICENSE**

**WHEREAS:**

1. License 845 was issued to Table Mountain Irrigation District and Thermalito Irrigation District on April 25, 1929, pursuant to Application 1739; that license was filed with the County Recorder of Butte County on May 13, 1929.
2. License 845 was subsequently assigned to the Thermalito Irrigation District (TID).
3. On June 29, 1953, the State Water Resources Control Board (SWRCB) issued an Order for Change, which was filed with the County Recorder of Butte County on July 3, 1953.
4. On June 6, 1966, the SWRCB issued an Order for Change, which was recorded with the County Recorder in Butte County on June 8, 1966, in Volume 1430 on Page 139.
5. On August 7, 1985, the SWRCB issued Order WR 85-6 reducing the place of use and requiring certain actions by TID.
6. On October 17, 1985, the SWRCB issued Order WR 85-9 denying reconsideration of Order WR 85-6.
7. On September 3, 1987, the SWRCB issued Decision 1615, which approved Application 26588 for a proposed power project at Concow Dam, and provided additional conditions and operational limits on licensed Applications 1739 and 3040.
8. On June 14, 1993, Permit 20242 issued pursuant to Application 26588 was revoked by the SWRCB as requested by TID.
9. TID has recently entered into new agreements with the Department of Water Resources (February 2, 1994) and the Department of Fish and Game (March 22, 1993) concerning the operation of Concow Reservoir without the Concow power project.

10. On April 9, 1993, a petition was received to change the operation of Concow Reservoir to reflect new agreements with the Department of Water Resources and the Department of Fish and Game.
11. On July 22, 1994, TID filed a petition to change the place of use under licensed Application 1739.
12. The petitioned changes would not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
13. Recreation should be added as a purpose of use per Section 798 of the California Code of Regulations.
14. An amended license should be issued to reflect the revised project along with the SWRCB's updated version of existing terms.

**NOW, THEREFORE, IT IS ORDERED THAT:**

Amended License 845 be issued to reflect Decision 1615 and petitions filed on April 9, 1993 and July 22, 1994 (as noticed on August 18, 1994). The amended license shall include the SWRCB's updated version of existing terms.

Dated: JANUARY 4 1996

*David R. Bevinger*  
for Edward C. Anton, Chief  
Division of Water Rights